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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**GREATER HELLS CANYON COUNCIL,  
OREGON WILD, CENTRAL OREGON  
LANDWATCH, SIERRA CLUB, GREAT  
OLD BROADS FOR WILDERNESS, and  
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

**HOMER WILKES**, in his official capacity as  
Undersecretary for Natural Resources and  
Environment; **GLENN CASAMASSA**, in his  
capacity as Regional Forester for Region 6; and  
the **UNITED STATES FOREST SERVICE**,

Defendants,

**AMERICAN FOREST  
RESOURCE COUNCIL**, and  
**EASTERN OREGON COUNTIES  
ASSOCIATION**,

Defendants-Intervenors.

Case No. 2:22-cv-00859-HL

**DECLARATION OF  
RORY ISBELL**

I, Rory Isbell, state and declare as follows:

1. I am over the age of 18 years and I make this declaration based on my own personal knowledge. If called to testify, I could and would testify as follows.

2. I am a resident of Deschutes County, Oregon. I have a Bachelor of Arts degree (2009) in Geography from the University of Arizona, which included coursework in environmental geography, natural resources management, and cartography. I also have two advanced degrees: a Master of Community and Regional Planning degree (2016) and Juris Doctor degree (2016) from the University of Oregon. I concentrated in environmental law and land use planning in both graduate programs. From 2009 to 2012, I worked for Watershed Sciences, Inc., a remote sensing company that produced aerial photography and highly detailed topographic map data using LiDAR (light detection and ranging) technology. Since 2016 I have worked as a Staff Attorney and Rural Lands Program Manager for Central Oregon LandWatch (“LandWatch”), a 501(c)(3) nonprofit organization, where my work has included urban and rural land use planning, water resources conservation, and federal public lands environmental advocacy. Throughout my career I have focused on the intersections of government policy and environmental quality.

3. Over its 35+ year history, LandWatch has prioritized work to protect the Deschutes and Ochoco National Forests and has expended considerable resources to those ends. In the 1980s, LandWatch challenged clearcut logging in the Metolius River basin on the Sisters Ranger District in the Deschutes National Forest. More recently, LandWatch challenged water withdrawals from Tumalo Creek on the Deschutes National Forest; challenged a proposed new off-highway vehicle trail system in the Ochoco National Forest; and challenged a timber sale

project called the Black Mountain Vegetation Management Project in the Ochoco National Forest. These two National Forests provide invaluable natural resources and wild, open spaces in Oregon. They provide wildlife habitat to big game species like deer and Rocky Mountain elk; predators like grey wolves, mountain lions, black bears, and wolverines; bird species like northern goshawks, bald eagles, and pileated woodpeckers; and fish species like steelhead salmon, bull trout, and redband trout. The Forests provide a critical wildlife migration corridor between the Blue Mountains ecoregion and the Cascade Mountains ecoregion. For our region's growing human population, these Forests provide immense outdoor recreation opportunities.

4. In both my professional and personal capacities, I have spent significant time in the Deschutes National Forest ("DNF") and the Ochoco National Forest ("ONF"). On the ONF, I have visited the Mill Creek Dry Forest Restoration Project several times over the past several years. In June of 2018, I attended a U.S. Forest Service Region 6 field tour of aquatic restoration sites, which included travel in and around the Mill Creek Dry Forest Restoration Project area, including stops along McKay Creek just west of the Project and Dick Creek just north of the Project.

5. In March of 2021, I returned to Mill Creek on the Ochoco National Forest to explore the Mill Creek Dry Forest Restoration Project area. Although snowpack and seasonal road closures limited the extent of the Project area I could see, I drove partially up the FS 3350 road, up the FS 33 road to Wildcat Campground, further up the FS 33 road to West Fork Mill Creek, and up the FS 33-450 road to see the Doe Creek landslide. That trip allowed me to better understand the size of the ONF's proposed Mill Creek Dry Forest Restoration Project, the many creeks and their riparian habitats in the Project area, and the characteristics of the forest stands planned for mechanical treatments. I observed large trees of many species in the Project

area, many of which were larger than 21” at basal height. These large trees included ponderosa pine and also fir species like white fir and Douglas fir.

6. On July 7, 2021, I volunteered in my personal capacity with the Great Old Broads for Wilderness Bitterbrush Broads to survey open and closed roads in the Mill Creek Dry Forest Restoration Project area. I observed that many roads the Ochoco National Forest has determined to be closed to motor vehicle use are in fact open to motor vehicle use on the ground. On September 28, 2021, I again volunteered in my personal capacity with the Great Old Broads for Wilderness Bitterbrush Broads to survey open and closed roads in the Mill Creek Dry Forest Restoration Project area. In both volunteer trips with the Great Old Broads for Wilderness Bitterbrush Broads, I traveled along the main FS 33 road and drove or walked up many smaller roads that branch off the FS 33 road. I observed and took photographs of many large trees in the project area accessible from these roads. I observed the diversity of tree species and the varying size of trees, including hundreds of large trees >21” in diameter of both pine and fir tree species.

7. On December 3, 2021, I attended a field tour of the Mill Creek Dry Forest Restoration Project area hosted by Ochoco National Forest staff in my professional capacity with Central Oregon LandWatch. Forest staff led discussions at two locations within the Mill Creek Dry Forest Restoration Project area: along Lemon Creek with access from the FS 3360 road, and along Evans Creek with access from the FS 3370 road. Forest staff discussed their planned treatments in riparian areas along creeks and streams in the project area. At Lemon Creek in particular, this included many trees of varying size within 300 feet of the creek bank, several of which appeared to be >21” in diameter. Although it was unclear whether the Forest Service was considering any of those specific trees along Lemon Creek for cutting and timber harvest, Forest staff circulated a one-page sheet that describes the three alternative actions the Forest was

considering for the Mill Creek Dry Forest Restoration Project. Two of those three alternatives describe “[r]emoving white fir and Douglas-fir 21-30””:

**DRAFT SUMMARY OF ALTERNATIVES**  
**Subject to change!**  
12/3/21

	Alternative 2	Alternative 3	Alternative 4
	Proposed Action Scoped with Public No harvest of trees > 21" DBH	Removing white fir and Douglas-fir 21-30" in overstocked stands Additional acres including thinning and fuels in steeper areas	Removing white fir and Douglas-fir 21-30" in overstocked stands Less thinning and temp roads in RHCAs More wildlife focus for species that require denser conditions
Commercial thinning (followed by non-commercial thinning, slash treatment and underburning)	(ground-based) 7,888	Ground - 9,628 Helicopter - 372 Skyline - 1,012 Biomass - 1,891	Ground - 8,238 Helicopter - 372 Skyline - 939 Biomass - 1,672
Non-commercial thinning (outside commercial thinning units, followed by slash treatments)	5,637	2,603	2,251
Prescribed underburning only	9,940	7,574	9,590

8. On May 13, 2022, I returned to the Mill Creek Dry Forest Restoration Project area with two of my coworkers from Central Oregon LandWatch. We scouted locations in the Project area to propose as field tour stops for a planned second field tour with Ochoco National Forest staff on May 31, 2022. We drove up the FS 33 road towards Harvey Gap, and then turned right (north) on the FS 3320 road, then right again on the FS 3320-050 road. From this road, we observed many large and old trees on both sides of the West Fork Mill Creek drainage. Many of these tree stands are planned for commercial timber harvest in the Project’s scoping documents. We then traveled back down the FS 33 road and turned onto the FS 3350 road. Near the end of

this road, we observed many large pine and fir trees >21” in diameter in an area planned in the scoping documents for commercial timber harvest. Finally, we drove up the FS 3360 road, which parallels Lemon Creek. There, we observed many more large pine and fir trees >21” in diameter, also in areas planned for commercial timber harvest.

9. I attended a field tour of the Project area with Ochoco National Forest staff on May 31, 2022 to discuss the project, including the Forest’s plans to authorize harvest of trees >21” in diameter. We stopped at two different sites along the FS 3350 road and observed many trees >21” in diameter, including in riparian areas. We asked Ochoco National Forest staff how they would determine which of these large trees would be logged and expressed our concern for logging any of them when those trees >21” are the most fire resistant in the forest, are indispensable wildlife habitat, and store the most atmospheric carbon.

10. I have definite plans to return to the Mill Creek Dry Forest Restoration Project area in the future. I am planning to take my family camping at Wildcat Campground in the Mill Creek Dry Forest Restoration Project area in the summer of 2023. We enjoy camping in the Ochoco National Forest because of its serene forest environments, wildlife viewing opportunities, streams and creeks, hiking trails, and diverse forest composition, including many large trees of many species. My two children are both young (under four years old), so we seek out camping and hiking opportunities set in shaded areas and that are easily accessible from our home in Deschutes County. The Ochoco National Forest, and especially the Mill Creek Dry Forest Restoration Project area, fit the bill perfectly. The crowds are lesser than other Central Oregon campgrounds; the elevation and climate are moderate in the summertime; the hiking trails are not-too-steep; and the diverse forest with many large trees provide shade and aesthetic enjoyment. The Japanese language has a phrase, “shinrin-yoku,” which translates into English as

“forest bathing.” This phrase recognizes the physiological and psychological benefits of simply spending time amongst the trees in a forest as opposed to the modern built environment. “Forest bathing” is what my family and I seek out when we recreate in the Ochoco National Forest amongst its large trees of all species: the fresh air, shade, and beauty of large trees brings us peace, happiness, and health.

11. Until recently, U.S. Forest Service rules known as the “Eastside Screens” prohibited all cutting of large trees >21” in diameter in all National Forests in Central and Eastern Oregon. After this rule was amended in January 2021, the U.S. Forest Service can authorize cutting of large trees >21”. In the Mill Creek Dry Forest Restoration Project, the Ochoco National Forest is planning several project alternatives that would include commercial timber harvest of these large trees. Cutting these large trees would significantly degrade my future enjoyment of the Project area. I would no longer prioritize visiting the Mill Creek Dry Forest Restoration Project to camp and recreate with my family if large trees >21” are logged.

12. I was very dismayed by the U.S. Forest Service’s public engagement process when it considered its amendments to the Eastside Screens. First, the U.S. Forest Service did not provide the normal public comment period during project scoping. Instead, the agency provided a single public comment opportunity when it released its Draft Environmental Assessment. I commented against the amendments in my professional capacity as an employee of Central Oregon LandWatch. I expected that the agency would then provide the normal “pre-decisional administrative review” public comment opportunity, otherwise known as the objection process, where I could submit additional comments on the final action selected by the agency. Instead, the agency deviated from this normal public participation process outlined in the National Environmental Policy Act, much to the surprise of me and many other members of the public

interested in the Eastside Screens amendments. Conspicuously, a political appointee in the U. S. Department of Agriculture signed a final decision days before Inauguration Day in January 2021, which foreclosed further opportunity for public participation during the objection period. I had planned to provide additional analysis and comment of the proposed Eastside Screens amendment, but was unable to do so because of how the agencies finalized their decision on this federal action.

13. Both my personal interests and those of Central Oregon LandWatch would be protected if the U.S. Forest Service's decision to amend the Eastside Screens were vacated. A court order requiring the Forest Service to perform an appropriate and public environmental analysis, with proper consideration of the amendment's various environmental effects, would help alleviate my concerns, and may result in a more favorable outcome that prevents the harmful effects of large tree logging.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Bend, Oregon this 16<sup>th</sup> day of December, 2022.

/s/ Rory Isbell

Rory Isbell